

## Transitional Duty for Employees with Temporary Medical Restrictions

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### PURPOSE

This policy establishes standards for the administration of transitional duty assignments. Transitional duty consists of limited duration work assignments for employees who have temporary medical restrictions that restrict them from performing one or more of their essential job functions. This policy does not create an employment contract or term or limit the reasons for dissolution of the employment relationship. This policy does not constitute an expressed or implied contract, and it is simply a statement of King County policy, which cannot form the basis for a private right of action.

### POLICY APPLICABILITY

This policy applies to all employees in the executive branch departments, offices, divisions and agencies, including the Assessor's Office and King County Elections. This includes all career service, provisional, temporary, probationary, and appointed employees. In the event any provision of this policy conflicts with an applicable provision of a collective bargaining agreement or binding past practices, the latter shall prevail.

### DEFINITIONS

*"Alternative Duty"* means assigned work for employees who are unable to perform the essential functions of their regular position. Alternative duty is not part of the employee's regular body of work."

*"Claims Office Staff"* means an employee working within the Workers' Compensation Claims Section, Department of Human Resources.

*"Department Representative"* means the employee's supervisor, human resources representative, or designated transitional duty coordinator for the employee's department.

*"Disability Services Staff"* means the employee working within the Disability Services Section of either the Department of Human Resources or Metro Transit Department.

*"Essential Functions"* means the set of fundamental job duties of a position an employee must be able to perform, with or without reasonable accommodation.

*"Indefinite Medical Restriction"* means a medical restriction that is documented by a licensed health care provider with an unknown duration or resolution.

*"Medical Restriction"* means a limitation of a physical, sensory, or mental nature that is documented by a licensed health care provider. The restrictions may be the result of occupational or non-occupational medical conditions. Non-occupational medical conditions may include illness resulting from, or occurring during pregnancy (Refer to the King County Code section 3.12.247 for additional guidance on limited duty assignments due to pregnancy).

*"Non-occupational Medical Condition"* means an injury or illness that did not result from the employee performing their job duties. This includes injuries and illness for which a Workers' Compensation claim was filed and subsequently denied.

*"Occupational Medical Condition"* means an injury or illness that resulted from the employee performing his or her job duties and for which a Workers' Compensation claim has been filed.

*"Permanent Medical Restriction"* means a medical restriction that is documented by a licensed health care provider as permanent, fixed and stable, and/or not expected to improve.

*"Prolonged Medical Restriction"* means a medical restriction that is documented by a licensed health care provider to be present for over six months.

*"Restricted Duty"* means assigned work that includes the temporary elimination of some essential job functions the employee is unable to perform due to temporary medical restrictions.

*"Temporary Medical Restriction"* means a medical restriction that is documented by a licensed health care provider to improve or resolve within six months.

*"Transitional Duty"* means a limited duration work assignment for employees who have temporary medical restrictions that preclude them from performing one or more essential job functions. Transitional duty assignments include alternative duty and restricted duty.

## **POLICY**

### **Transitional Duty Conditions and Provisions**

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The following conditions must be met for an employee to qualify for a Transitional Duty opportunity:

- Temporary medical restrictions must be documented by a licensed health care provider and the employee must provide this documentation to Disability Services staff, Claims Office staff, and/or their department Human Resource representative; and
- A determination must be made that the temporary medical restrictions restrict the employee from performing one or more essential functions of his or her position; and
- It must be possible and reasonable to temporarily remove one or more essential job functions from the employee's regular position or provide the employee with alternative work.

When transitional duty is available, it will be offered for a defined period of time, not to exceed six calendar months per incident, injury, illness and/or workers' compensation claim. The availability of transitional duty is determined by:

- Considering how long it is reasonable for the department to provide it; and
- the duration of the employee's temporary medical restrictions; and
- the continued availability of work within the employee's temporary medical restrictions.

Transitional duty may be offered for a period shorter than the predicted duration of the employee's temporary medical restrictions.

The following conditions must be met before Alternative Duty can be offered to an employee:

- alternative duty is available; and
- the duties enable the employee to work within his or her temporary medical restrictions; and
- funding for the alternative duty is available; and
- the work duties are not in violation of any collective bargaining agreement.

An employee may perform alternative duty in any department that participates in alternative duty. King County has no obligation to create vacant positions or provide promotional positions for transitional duty assignments and the transitional duty process has no obligation to waive job qualifications or probation requirements.

A transitional duty assignment may be terminated at any time by the department representative or Disability Services staff. Employees who do not meet the conditions for Transitional Duty and Alternative Duty will not be qualified to participate.

## **Medical Restrictions Lasting More Than Six Months**

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When transitional duty has been provided and it subsequently becomes known that an employee's restrictions will exceed six months, Disability Services staff must be notified. Transitional duty assignments shall not exceed six months without authorization from Disability Services staff.

Employees who are unable to return to their regular jobs due to permanent, prolonged, or indefinite medical restrictions are not eligible for transitional duty but may be eligible for Reassignment Services as outlined in the county's *"Reasonable Accommodation in Employment for Individuals with Disabilities Policy"*.

## **FMLA/KCFML Provisions**

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When offering transitional duty to employees who are eligible for leave under the Family Medical Leave Act (FMLA) and/or King County Family Medical Leave (KCFML), the following provisions apply:

- a. If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment, including a period of recovery, or for bonding with a newborn child or placement of a child for adoption or foster care, the employee may be required to transfer temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position.
- b. The alternative position must have equivalent pay and benefits as compared to the employee's regular position.
- c. The alternative position may not be used to discourage the employee from taking leave or otherwise present a hardship to the employee.
- d. When the employee no longer needs to continue on leave and is able to return to full-time work, the employee will be returned to the same or equivalent job as the job left when the leave commenced.

## **Benefits**

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An employee receives the same county benefits while working in a transitional duty assignment as provided for in their regular position. An employee who refuses transitional duty when offered may be found ineligible for Workers' Compensation wage replacement income and/or Long-Term Disability benefits.

## **QUESTIONS**

Refer questions or comments to your department's [Human Resources Manager](#) or the Department of Human Resources.